

REMARKS

This application pertains to a novel adhesive tape, having a plasticized polyvinyl chloride backing and an adhesive composed of an aqueous dispersion of styrene-acrylate copolymers.

Claims 1 and 3 -13 are pending.

Claim 1 has been amended to recite specific amounts of plasticizer and specific amounts of styrene. Support can be found at page 3, line 18 and page 7, line 5. Although Applicants claim less than the full ranges disclosed in each case, this is specifically allowed by MPEP § 2163.05 (III) and *In re Wertheim*, 191 USPQ 90 (CCPA 1976).

Claims 1, 4, 5-7, 10, 12 and 13 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hauber (Derwent Abstract of DE 4228436A1) and English Translation of DE 4228436A1 (provided by the Examiner).

The Hauber reference indicates that with a plasticizer fraction of 30-35%, the adhesive must have very good plasticizer resistance, which often is not the case in polyacrylic acid ester adhesives, especially those based on aqueous dispersion (Translation, page 3, lines 3-6). No person could therefore ever be led by Hauber to a plasticizer fraction which is even greater than 35%.

In addition, Hauber teaches an adhesive comprised of a very special blend of four different specific acrylic acid ester copolymers, none of which includes any styrene, but permits the addition of further monomers, including styrene. Such additional monomers can be present only up to 35% however, with lower amounts being preferred. Therefore, no person skilled in the art could ever be led to Applicants' adhesives, having a minimum of 40% styrene component.

Accordingly, Applicants' claims, as amended, cannot be seen as anticipated or suggested by Hauber, and the rejection of claims 1, 4, 5-7, 10, 12 and 13 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hauber (Derwent Abstract of DE 4228436A1) and English Translation of DE 4228436A1 should now be withdrawn.

Claims 1 and 5-7 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Czerepinski et al (US 4,713,412).

The Examiner argues that Czerepinski et al teaches a copolymer of 35% Styrene and 3% acrylic acid. It is believed that the Examiner found this composition in Example 4, in Table III of the reference. A review of the Czerepinski specification will show that the only specific amount of styrene disclosed is the 35% shown in Example 4, and absolutely no teaching or suggestion of any higher amounts can be found in this reference. Czerepinski cannot therefore ever lead those skilled in the art to the higher

amounts now recited in Applicants' claims.

Moreover, Czerepinski does not disclose any specific amount of plasticizer for the PVC backing. Both Applicants and Hauber have, however, taught that in the prior art combinations of aqueous dispersion based adhesives and PVC backings having significant amounts of plasticizer led to unsatisfactory results. Accordingly, no person skilled in the art could ever be led by Czerepinski to an adhesive tape based on a PVC backing plasticized with from 40-60% plasticizer and an adhesive having from 40 to 70% styrene component.

The rejection of claims 1 and 5-7 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Czerepinski et al (US 4,713,412) should accordingly now be withdrawn.

Claims 3, 8 and 9 stand rejected under 35 U.S.C. 103(a) as obvious over Hauber in view of Schwarcz (US 4,002,794).

The Examiner relies on Schwarcz for a coatweight of adhesive, a primer layer and a release layer. No particular coatweight, primer layer or release layer could possibly overcome the differences pointed out above between Applicants' adhesive tape and anything that can be found in the Hauber reference. The rejection of claims 3, 8 and 9 under 35 U.S.C. 103(a) as obvious over Hauber in view of Schwarcz (US 4,002,794) should accordingly now be withdrawn.

Claim 11 stands rejected under 35 U.S.C. 103(a) as obvious over Hauber in view of Glennon (US 4,311,759). The Examiner relies on Glennon for antioxidants, antifoams and surface active agents. Here again, no antioxidant, antifoam or surface-active agent could possibly overcome the differences pointed out above between Applicants' novel adhesive tape and anything that can be found in the Hauber reference. The rejection of claim 11 under 35 U.S.C. 103(a) as obvious over Hauber in view of Glennon (US 4,311,759) should accordingly now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 and 3 -13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule 116 be entered for the purpose of placing the prosecution record in better condition for appeal.

CONDITIONAL PETITION FOR EXTENSION OF TIME

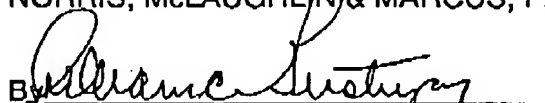
If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

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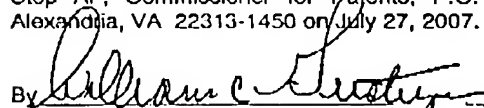
Respectfully submitted,  
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By   
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Date July 27, 2007